

DELBELLO DONNELLAN  
WEINGARTEN WISE & WIEDERKEHR, LLP  
*Proposed Counsel for the Debtor*  
One North Lexington Avenue  
White Plains, New York 10601  
(914) 681-0200  
Dawn Kirby, Esq.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

121-08 JAMAICA AVENUE LLC,  
  
Debtor.

Chapter 11  
Case No. 16-40437 (ESS)

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**AFFIDAVIT RELATING TO PAYMENT OF  
THIRD-PARTY RETAINER**

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF NEW YORK                )

MICHAEL SHIVDAT, being duly sworn, deposes and says:

1. I am the husband of Babita Raquel Sivdat, the President and sole shareholder of 121-08 Jamaica Avenue, LLC (the “Debtor”). I submit this Affidavit in support of the application filed by the above-captioned Debtor relating to the retention of DelBello, Donnellan, Weingarten, Wise & Wiederkehr, LLP (“DDWW”) as attorneys for the Debtor in this bankruptcy case.

2. In order to secure DDWW’s services to the Debtor in this Chapter 11 cases, I have agreed to pay a third-party retainer in the amount of \$17,000 to DDWW toward fees, costs and expenses to be incurred in this Chapter 11 bankruptcy case.

3. Although I have been advised by DDWWW to consult with my own counsel, I have not retained independent legal counsel regarding the payment of the aforementioned Retainer to DDWWW.

4. I understand that the undivided loyalty of DDWWW is to its client, the above-captioned Debtor.

5. Further, I do not have any intention of asserting a claim against the estate of the Debtor for funds advanced for legal fees in this case.

6. Based upon the foregoing, it is my belief that I do not have any adverse interest against the estate of the Debtors herein, or with any creditor or any other party in interest.

*/s/ Michael Shivdat*

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MICHAEL SHIVDAT

Sworn to before me this  
18<sup>th</sup> day of February, 2016

*/s/ Janet Passon*

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Notary Public ~ State of New York